

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

NEW CENTURY FOUNDATION,

and

SAMUEL JARED TAYLOR,

Plaintiffs,

v.

MICHAEL ROBERTSON,  
*In his individual and official capacity as  
director of Tennessee Department of  
Environment and Conservation,*

Defendant.

Case No. 3:18-cv-00839

Hon. Aleta A. Trauger  
Jury Trial Demanded

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**RESPONSES TO PLAINTIFFS' SECOND SET OF INTERROGATORIES TO  
DEFENDANT**

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Michael Robertson responds to Plaintiffs' Second Set of Interrogatories as follows:

**INTERROGATORIES**

**INTERROGATORY NO. 1:** Please state any and all factors Defendant considers for purposes of calculating how much law enforcement-related attendance fees are assessed against event organizers of events at the Montgomery Bell State Park Inn & Conference Center.

**ANSWER:** See Michael Robertson's affidavit filed in this case and Michael Robertson's testimony at the TRO hearing. Defendant also negotiates with the organizer prior to the event based on how many staff the organizer wants TDEC to provide.

**INTERROGATORY NO. 2:** Please describe the specific manner by which Defendant calculates how much law-enforcement related attendance fees are charged to Plaintiffs for Plaintiffs' previous events and upcoming May 2019 planned event at the Montgomery Bell State Park Inn & Conference Center.

**ANSWER:** Except for fees that Plaintiffs agreed on in 2018, Defendant has never charged for law enforcement attendance fees. In 2018, Plaintiff agreed to pay 10% of the conference cost for security fees.

**INTERROGATORY NO. 3:** Please describe any and all documents which Defendant has reviewed for Defendant to calculate how much law-enforcement related attendance fees are charged to Plaintiffs for Plaintiffs' previous events and upcoming May 2019 planned event at the Montgomery Bell State Park Inn & Conference Center.

**ANSWER:** Except as noted above in response to Interrogatory no. 1, Defendant has never charged plaintiffs for law enforcement attendance fees.

**INTERROGATORY NO. 4:** If Defendant has calculated in what approximate amount the law-enforcement related attendance fees will be charged to Plaintiffs for Plaintiffs' upcoming May 2019 planned event at the Montgomery Bell State Park Inn & Conference Center, please state the amount and how this amount was calculated.

**ANSWER:** Those fees have not been calculated as of this date.

**INTERROGATORY NO. 5:** If Defendant has not calculated the approximate cost Plaintiffs will incur for law enforcement-related attendance fees for Plaintiffs' planned May 2019 planned event at the Montgomery Bell State Park Inn & Conference Center event, please state why said cost has not yet been calculated.

**ANSWER:** Defendant is still assessing and anticipates discussions and negotiations with the organizer potentially up to the date of the event itself. The actual amount may not be known until after the event.

**INTERROGATORY NO. 6:** For purposes of Defendant calculating the amount to charge event organizers for law-enforcement related attendance fees at events occurring at the Montgomery Bell State Park Inn & Conference Center, please state any and all procedures and policies in place for said fee to be reviewed by said individual's superiors should the event organizer elect to contest the amount charged.

**ANSWER:** The fees are assessed at the park level and the initial assessments would be reviewed by the park manager. Then the review would follow the chain of command, and depending on the severity of the contest, up to the Commissioner of TDEC.

**INTERROGATORY NO. 7:** In Defendant's Response to Plaintiffs' First Set of Interrogatories (No. 3), Defendant stated that American Freedom Party (Rick Tyler) was charged \$21,057.96 for Tennessee Department of Environment and Conservation ("TDEC") staff for an event occurring in June of 2018, but Eagleville JROTC Military Ball was charged only \$110 for their event, Team Magic, Inc. was charged \$180 for their event, and Frostbite Half Marathon (Lynda Depaulis) was charged only \$180 for their event. Please explain in detail why American Freedom Party was charged substantially more for TDEC staffing than these other event organizers.

**ANSWER:** For the JROTC, Team Magic, and Frostbite events, these were all pre-negotiated fees, usually for 1-2 staff members for a set number of hours at an agreed

upon rate. The Frostbite Half Marathon and the Team Magic events did not involve any resort facilities – they were general use of the parks involved. The JROTC Military Ball did not involve the Inn and Conference Center – it was held at an Assembly Hall. Further, more was charged because more staff was needed for the American Freedom Party event. The American Freedom Party event was a multi-day event which involved the entire Inn and Conference Center, whereas the others mentioned were only a few hours in duration and did not involve an entire Inn or Conference Center. Further, American Freedom Party members brought weapons to the park, thus causing staff to ensure that the weapons were proper. Plus, American Freedom Party requested the level of security provided, and were charged accordingly. In addition, see Michael Robertson's affidavit and testimony.


VERIFICATION

I, Michael Robertson, hereby affirm that I have read the foregoing answers to interrogatories and they are true and correct to the best of my information, knowledge and, and belief.

  
MICHAEL ROBERTSON

STATE OF TENNESSEE   )  
  )  
COUNTY OF DAVIDSON   )

Subscribed and sworn to before me this day 7<sup>th</sup> of March, 2019.

  
NOTARY PUBLIC

My commission expires: 9/6/22





Respectfully submitted,

**HERBERT H. SLATERY III**  
**ATTORNEY GENERAL AND REPORTER**



**Dawn Jordan**, BPR No. 20383  
Senior Deputy Attorney General  
**Jay C. Ballard**, BPR No. 17242  
Deputy Attorney General  
**Sara Ohlman**, BPR No. 36313  
Assistant Attorney General  
UBS Tower, 18th Floor  
P.O. Box 20207  
Nashville, TN 37202-0207  
Facsimile: (615) 741-7327  
dawn.jordan@ag.tn.gov – (615) 741-6440  
jay.ballard@ag.tn.gov - (615) 741-5031  
sara.ohlman@ag.tn.gov – (615) 532-9631

**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2019, a copy of **Defendant's Response to Plaintiffs' Second Interrogatories** was sent by postage-paid, first class mail to the following:

Van R. Irion  
Law Office of Van R. Irion  
800 S. Gay St., Ste. 700  
Knoxville, TN 37929



Dawn Jordan